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1868

AN ACT

TO

ESTABLISH AND MAINTAIN A SYSTEM OF

FREE COMMON SCHOOLS

FOR THE STATE OF ARKANSAS.

APPROVED, 23d DAY OF JULY, 1868.

PUBLISHED UNDER DIRECTION OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION.

LITTLE ROCK, ARK.:

JOHN G. PRICE, PUBLIC PRINTER.

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FOR THE STATE OF ARKANSAS. Laws, statutes,  
" etc.

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## AN ACT

TO ESTABLISH AND MAINTAIN A SYSTEM OF FREE  
COMMON SCHOOLS FOR THE STATE OF ARK-  
ANSAS.

*Be it enacted by the General Assembly of the State of  
Arkansas:*

SECTION 1. That the proceeds of all lands that have been or hereafter may be granted by the United States to this State, and not otherwise appropriated by the United States or this State, also all [monies] stocks, bonds, lands, and other property, now belonging to any fund for purposes of education, also the net proceeds of all sales of lands and other property and effects that may accrue to this State by escheat, or from sales of estrays or from unclaimed dividends or distributive shares of the estates of deceased persons, or from fines, penalties or forfeitures, also any proceeds of the sales of public lands which may have been or may be hereafter paid over to the State (Congress consenting,) also all the grants, gifts, or devises that have been or hereafter may be made to this State and not otherwise appropriated by the tenure of the grant, gift or devise, shall be securely invested and sacredly preserved as a public school fund, that shall be designated as the "Common School Fund" of the State, and which shall be the common property of the State.

SEC. 2. That the annual income from the said fund, together with one dollar per capita to be annually assessed on every male inhabitant over the age of twenty-one (21) years, and so

much of the ordinary annual revenues of the State as may hereafter be set apart by law for such purposes, shall be faithfully appropriated for maintaining a system of "Free Common Schools" for this State, and shall be applied to no other purposes whatsoever, than to the payment of teacher's wages and the salaries of the Circuit Superintendents of Public Instruction.

#### COMMISSIONERS OF SCHOOL FUND.

SEC. 3. That the Governor, Secretary of State and State Superintendent of Public Instruction shall constitute a Board of Commissioners of the "Common School Fund," and shall meet semi-annually at the office of said Superintendent, on the first Monday in February, and on the first Monday in August, in each year: *Provided*, That the Governor may assemble the members of said Board any time at his discretion.

SEC. 4. That the Governor shall be President of said Board and shall sign the journal of each day's proceedings.

SEC. 5. That the Superintendent of Public Instruction shall act as Secretary of the said Board, and shall keep a faithful current record of its proceedings, and shall keep the said records open at all times for inspection. A copy of said records certified by the Secretary of the Board shall be in all cases received as evidence equal with the original.

SEC. 6. That the said Board of School Commissioners shall have the management and investment of the Common School Fund belonging to the State, and shall from time to time as the same may accumulate, securely invest the said fund in Bonds of the United States.

SEC. 7. That all monies required by law to be paid into the Treasury to the credit of the Common School Fund, may, if the same be not paid within thirty (30) days after they shall have become due, and payable, be recovered with interest due thereon, by action in any court having jurisdiction; and such action shall be prosecuted by the Attorney General of the State or by the District Attorney for any Judicial District within this State when directed by the said Board.



SEC. 8. That all monies belonging or owing to the Common School Fund, or accruing as revenues therefrom shall be paid directly into the State Treasury and shall not be paid out, except on the warrant of the Auditor.

SEC. 9. That the State Auditor shall be the accountant of the said Board, and shall annually, on the first Monday in December, transmit to the Governor, and to the Superintendent of Public Instruction a report of the condition of the School Fund on the first day of October last preceding, with an abstract of the accounts thereof in his office.

SEC. 10. That the State Auditor shall under the direction of the Board of Commissioners, draw warrants on the State Treasurer for the payment of all or any portion of the Common School Fund belonging to the State, for the purchase of bonds or other securities in which the same is by law invested.

SEC. 11. That the State Treasurer shall by virtue of such warrant, pay from the uninvested Common School Fund the purchase money for said securities, and shall receive and deposite the same in the State Treasury for safe keeping; and receipt to the President of the Board of Commissioners for the kind and amount of such securities.

SEC. 12. That the said Board shall at their semi-annual meeting, settle with the State Treasurer all accounts of the Common School Fund not before settled.

#### SCHOOL DISTRICTS.

SEC. 13. That hereafter each and every county shall be divided into school districts for the purpose of establishing and maintaining schools, and giving every child an opportunity for an education.

SEC. 14. That each school district shall be a body corporate, by the name and style of School District No. — of the county of — and by such name may contract, and be contracted with, sue and be sued, in any of the courts of the State having competent jurisdiction.

SEC. 15. That every such district shall hold in the corporate name of the district the title of lands and of other property which may be acquired by said district for school district purposes.

SEC. 16. That any new school district may be formed, or the boundaries of any district changed, by the County Court, with the concurrence of the Circuit Superintendent, on petition of the majority of the electors, residing within the territory affected by such change or alteration, or within the territory to be included in the new district proposed. Every school district shall be confined to the county in which the school house is located, or to be built; except in cases where positive injustice or great practical inconvenience would result therefrom. And the new district shall with those already formed, include for school purposes, all the territory of the County; and shall embrace contiguous territory, and that which is most convenient: *Provided*, That in the creation of new districts, or in any change or alteration in the boundaries of districts already formed, equal regard shall be had for the interest and accommodation of all.

SEC. 17. That every petition for a new school district, or for any change or alteration in such as already exist, shall be accompanied with a map of the proposed new district, or with a map showing the proposed changes in the boundaries of districts, as the case may require; and when a new district is to be created, the said map shall designate the location as nearly as possible of each inhabitant of the new district proposed.

#### SCHOOL MEETINGS.

SEC. 18. That the electors of each organized school District in this State, shall annually on the third Saturday in December, hold a public meeting to be designated the "Annual School Meeting of the District."

SEC. 19. That all persons qualified to vote for county and State officers, at the general election, shall be deemed qualified electors of the school district in which they reside, and shall have the privilege of voting at all school meetings.



SEC. 20. That the electors of any school district shall, when lawfully assembled in district school meeting, with not less than five electors present, have power by a majority of the votes cast at such meeting:

First. To choose a Chairman or moderator.

Second. To adjourn from time to time.

Third. To appoint, when necessary, in absence of the Trustee of the district, a clerk, *pro tem*.

Fourth. To elect a Trustee for the district.

Fifth. To designate a site for a school house.

Sixth. To determine the length of time during which a school shall be taught more than three months in the year.

Seventh. To determine what amount of money shall be raised by tax, on the taxable property of the district, sufficient with the public school revenues, apportioned to the district, to defray the expenses of a school for three months, or for any greater length of time they may decide to have a school taught during the year.

Eighth. To purchase or lease a site for a school house; to build, hire or purchase school house; to keep the school house and grounds, and the fence inclosing the same, in repair; and to provide out buildings, and to purchase the necessary fuel, furniture, and school apparatus.

Ninth. To repeal and modify their proceedings from time to time.

SEC. 21. That all taxes voted for school purposes, by any school district, shall be levied by the County Court at the same time the county taxes are levied, and shall be collected in the same manner as the county taxes are collected, at the same time and by the same persons, and paid into the county treasury, there to be kept subject to disbursement on the warrant of the Trustee.

SEC. 22. That at the annual school meeting held on the third Saturday in December, there shall be elected by the legal voters in each school district a Trustee, who shall be an

elector of the district, and who shall hold his office for the term of one year, and until his successor shall have been elected and have qualified; *Provided*, That when a new school district shall have been formed under the provisions of this Act, a Trustee shall be immediately elected by the electors of the new district, and shall hold his office until the annual school meeting on the third Saturday of the next ensuing December.

SEC. 23. That any person elected [and accepting the position of] Trustee of a school district, shall within ten days after having been notified of his election, file his acceptance with his predecessor at that time in office; and shall within the aforesaid period take and subscribe before a Justice of the Peace, or other competent officer, the oath prescribed for officers by the constitution of this State, and shall file the said oath in the office of the Clerk of the County in which he resides.

SEC. 24. That any person who shall have been elected or appointed a Trustee, and who shall neglect or refuse to qualify and serve as such, shall forfeit to his district the sum of twenty-five dollars, which may be recovered by action against him at the instance of any elector in the district, or by the circuit superintendent, and which, when collected, shall be paid into the County Treasury by the officer before whom the action was maintained, and added by the Treasurer to the school fund revenues apportioned to that district.

SEC. 25. That any Trustee who shall neglect or fail to perform any duties of his office, shall forfeit to his district the sum of fifty dollars, to be recovered as directed in the preceding section, and to be added in like manner to the school fund revenues apportioned to his district.

SEC. 26. That if the office of Trustee in any district becomes vacant, the electors of the said district shall, in district meeting assembled, within fifteen days after the occurrence of such vacancy, elect a Trustee to serve the remainder of the unexpired term; but if the district in which such vacancy occurs

neglect or fail to elect a Trustee to fill such vacancy, then the Circuit Superintendent shall appoint from the electors of said district a Trustee to serve the remainder of the term.

SEC. 27. That the Trustee shall have charge of the school affairs, and of the local educational interests of his district, and shall have the care and custody of the school-house and grounds, the books, records, papers, and other property belonging to the district, and shall carefully preserve the same, preventing waste and damage, and shall purchase or lease in the corporate name of the district, such school-house site as may be designated by a majority of the legal voters present at the district meeting; shall hire, purchase, or build a school-house with funds provided by the district for that purpose; and may sell or exchange such site or such school-house, when so directed by a majority of the electors in any legal meeting of the district.

SEC. 28. That he shall hire, for and in the name of the district, such teachers as have been licensed according to law, and shall make with such teachers a written contract, specifying the time for which the teacher is to be employed, the wages to be paid per month, and any other agreement entered into by the contracting parties; and shall furnish the teacher with a duplicate of such contract, and keep the original on file in his office; but he shall employ no person to teach in any common school of his district unless such person shall hold at the time of commencing his school a certificate and license to teach, granted by the Circuit or State Superintendent. The term month, whenever it occurs in any section of this Act, shall be construed to mean twenty days, or four weeks of five days each.

SEC. 29. That he shall procure from the Circuit Superintendent and furnish the teacher at the commencement of the term a register for his school, and require the said teacher to report in the said register at the close of the school term, the number of days of the said term, the name and age of each pupil, the



date on which each entered the school, the separate days on which each attended, the whole number of days each attended, the studies each pursued, the total number of days all the pupils attended, their average daily attendance, and the number of visits received from the Trustee and from the Circuit Superintendent during the said term.

SEC. 30. That he shall visit the schools at least twice each term and encourage the pupils in their studies, and give such advice to teacher as may be for the benefit of teacher and pupils.

SEC. 31. That he shall submit to the district at the annual meeting, an estimate of the expenses of the district for that year, including the expenses of a school for the term of three months, after deducting the probable amount of school monies to be apportioned to the district for that current school year; and shall also submit an estimate of the expense per month of continuing the school beyond the term of three months, and of whatever else may be necessary for the comfort and advancement of the said school.

SEC. 32. That in case the district, at their annual meeting, fail to provide for a school to be taught at least three months during that year, and to provide for fuel, and to make other provisions necessary for the efficiency and success of said school, he shall immediately forward to the County Clerk an estimate of the necessary expenses for a school of three months, after deducting the probable amount of the school fund revenues to be apportioned to the district, and a tax for the amount of such estimate shall be levied on the district by the County Court at the same time that county taxes are levied, and he shall provide what may be necessary for a school of three months, and pay all the expenses incurred for the same out of the monies raised by the tax to be levied as provided in this section.

SEC. 33. That he shall in all suits and actions at law brought by or against his district, appear for and in behalf of said dis-

trict; *Provided*, That he shall have had no other directions or instructions by a lawful meeting of the electors of his district.

SEC. 34. That he shall draw orders on the Treasurer of the county for the payment of wages due teachers, or for any other lawful purpose, and he shall state in every such order the services or consideration for which the order is drawn, and the name of the person rendering such service. But he shall not draw any order on the County Treasurer for the payment of the wages of any teacher not licensed, nor shall he draw orders for the payment of more than seventy-five per cent. of the wages due any person for services rendered as teacher, nor allow more than seventy-five per cent. of such wages to be paid out of monies belonging or apportioned to the district until the said teacher shall have deposited with the Trustee the school register containing the report, which the teacher is required by section twenty-nine of this Act to make to the said Trustee at the close of the school term.

SEC. 35. That he shall give notice of each annual and of each special meeting, by posting notices thereof at least fifteen days previous to such meeting, in three or more conspicuous places within the district; *Provided*, That in case the Trustee shall neglect or fail to give previous notice of any annual meeting without fraudulent purpose or intent, such neglect or failure shall not be sufficient grounds for rendering such meeting illegal, or for invalidating its proceedings. But it shall not be lawful for a district at any annual meeting to fix a site for a school-house, or to raise money for building or purchasing a school-house unless the Trustee shall have particularly set forth in the previous notice given of such meeting, that these matters were to be submitted to the meeting for their consideration and action.

SEC. 36. That he may call a special meeting of the district when five or more freeholders or householders shall have filed with him a written request therefor, or when, in his opinion, it shall have become necessary to consult in regard to business interests of the district the electors thereof collectively.



SEC. 37. That he shall specify in each notice for a special meeting the objects for which such meeting is called, otherwise such special meeting shall be deemed illegal, and every notice of annual or special meeting, he shall record in its proper order of place, with the current district proceedings.

SEC. 38. That he shall act as clerk of all district meetings, shall keep a record of the proceedings thereof in a book provided for that purpose; or, if absent, he shall transcribe into the said book the minutes kept by the clerk pro tem., and signed by the chairman, as so much of the authenticated records of the district; and he shall enter on the said book copies of all his reports to the County Clerk and the Circuit Superintendent.

SEC. 39. That he shall keep, in a book provided for that purpose, the accounts of the district by debits and credits, including the accounts with the County Treasurer, and shall present the same to each annual meeting, showing the current expenses for the year for school-houses, out-buildings, fences with which to inclose a school-house site, for stoves, wood, maps, charts, black-boards, a dictionary, and other necessities for a school; and containing a statement of the number of days he has been necessarily employed in the performance of his duties as Trustee; the date of each order drawn by him on the County Treasurer, and for what services or considerations, for what amounts and in whose favor, exhibiting vouchers therefor; a statement of the indebtedness of the district, and also of the surplus monies, if any, in the County Treasury belonging to the district at the commencement of the year, the amount of taxes levied on the district for school purposes within the year, the different purposes for which said taxes were levied, and the amount levied for each purpose. If, on examination, the report be found correct, the chairman of the meeting shall approve the same, and order that it be filed with the records of the district.

SEC. 40. That he shall, within ten days after any school

meeting, report to the Clerk of the county so much of the proceedings of said meetings as pertains to the election of officers; and he shall, on or before the thirty-first day of December in each year, furnish to the County Clerk so much of the copy of his record, attested by the chairman of the meeting, as shows the amount of money voted to be raised by the district for school purposes at the annual or at any special meeting.

SEC. 41. That he shall annually, between the first and fifteenth days of October, transmit, verified by his affidavit, to the Circuit Superintendent, a written report in proper form of the name of his county, the number of his district, the names and ages of all persons between the ages of five and twenty-one years, residing in his district on the first day of October, the number of males and females, respectively, of each color that attended the common school during the last school year, the average number of each sex that attended daily, the number that pursued each of the studies designated to be taught in the common schools of this State, the number of times the school was visited each term by the Trustee and by the Circuit Superintendent, the number of days that school was taught during the year by a licensed teacher, the names of each teacher, the grade of his certificate, the wages paid to each teacher per month, and the whole amount of wages paid teachers during the year. He shall include in this report the number of male inhabitants in his district subject to per capita tax for the support of school; the amount of taxes voted by the district during the last school year, for what purposes voted, and the amount voted for each purpose; the amount drawn from the County Treasury for each purpose for which money was raised by district tax; the amount of revenues received from the common school fund, and the amount received from each of the various other sources from whence school revenues are derived; the amount of each kind of revenue remaining in the county Treasury and subject to the order of the district;

the number of school-houses erected during the year; the cost and the material of each; the number, the material, the condition and the value of those before erected, and the value of all other school property belonging to the district; the condition of the school-house grounds, and whether the said grounds are inclosed; and he shall record the said report in its proper place in the district book, in which the current records of the proceedings of the district are kept.

SEC. 42. That if the Trustee of any school district fail or neglect to make a report of the enumeration, statistics and finances of his district at the time and in the manner prescribed by the preceding section, the said Trustee shall, in addition to his forfeiture for neglect of duty, be liable for any damages, including the costs of suit, that the district may sustain by reason of losing the school revenues that would otherwise have been apportioned to them.

SEC. 43. That he shall, at the close of the school year, settle with the County Treasurer, and ascertain what monies, if any, to which his district may be entitled, and the amounts severally thereof [that] are in the county Treasury and subject to be drawn by his district.

SEC. 44. That he may, at the instance of the teacher, suspend from the school any pupil for gross immorality, refractory conduct, or insubordination, or for infectious disease. *Provided*, That such suspension from the school shall not extend beyond the current term. He shall have power to determine who are to be admitted from other districts to the privileges of the school; but no person shall have a right to attend school out of his district unless it be by arrangement with the Trustee of the district in which he proposes to attend school. He may permit older persons to attend the school under such regulations as he may deem proper to make.

SEC. 45. That he may permit a private school to be taught in the district school-house during such time as the said house



is not occupied by a public school, unless he be otherwise directed by a majority of the legal voters of the district.

SEC. 46. That he shall cause the public schools of his district to be closed on the days appointed for public examination of teachers in his county, and also cause the said schools to be [closed] during the session of the Teachers' Institute.

SEC. 47. That he shall be entitled to receive for every day actually and necessarily employed in performing his duties as Trustee the sum of two dollars, to be paid by the district. *Provided*, That he shall not be entitled to receive pay for more than ten days in any one year. He shall file with the County Clerk his bill of account, verified by his affidavit, that the said account is just and true, and that the services therein named were honestly and faithfully rendered, that such services could not have been well performed within less time, and that the amount of per diem claimed is justly due and remains unpaid; whereupon the County Clerk shall draw a warrant on the Treasurer of the county for the said amount in favor of the said Trustee.

SEC. 48. That he shall, at the expiration of his term of office, deliver to his successor all books, records, papers, and all other property belonging to the district.

#### TEACHERS.

SEC. 49. That any person, who shall teach in any common school of this State without a certificate of his qualifications and his license to teach, shall not be entitled to receive for such services any compensation from revenues raised by tax or in any wise appropriated for the support of common schools. *Provided*, That if his license expire by limitation during the term for which he may be engaged in teaching any school, such expiration shall not have the effect to interrupt his school or to debar his claim against school revenues for the payment of teachers' wages.

SEC. 50. That every teacher shall keep a daily register of

his school in the manner prescribed by law and indicated by the blank school register, to be furnished by the Trustee at the commencement of his school.

SEC. 51. That it shall be the duty of each and every teacher to attend the public examination for teachers; to become members, and attend the regular session of the Teachers' Institute, as soon as the same shall have been established; and no teacher, when attending an examination, or the Institute, shall be charged for loss of time while necessarily absent from his school to attend such examination or Institute.

SEC. 52. That no teacher employed in any of the common schools shall permit sectarian books to be used as reading or text books in the school under his care.

SEC. 53. That any teacher who shall have complied with the provisions of this Act, shall be paid from the first moneys received into the County Treasury to the credit of the district; and his claim shall not be superseded by any subsequent claim; and no money in the County Treasury belonging to any district shall, so long as there is any such claim filed against the said district, be applied to any purpose whatsoever other than the payment of teachers' wages.

SEC. 54. That if any parent, guardian, or other person, from any cause, fancied or real, visit any school and there upbraid or insult any teacher in the presence of his pupils, the person offending by such conduct shall be liable to a fine of twenty-five dollars and costs, to be paid into the tuition revenues for the county.

SEC. 55. That any person who shall willfully destroy or injure any building used as a school-house or for other educational purposes, or any furniture, fixtures, or apparatus thereto belonging, or who shall deface, mar or disfigure any such building, furniture, or fixtures, by writing, cutting, painting, or pasting thereon any likeness, figure, words, or device, without the consent of the teacher or other person having control of such house, furniture, or fixtures, shall be fined a sum



double the value of any such building, furniture, fixture, or apparatus so destroyed; and shall be fined in a sum not less than ten nor more than fifty dollars for each offense for writing, painting, cutting, or pasting, in any such building, furniture, or fixtures, any such words, figures, likeness, or device, to be recovered by civil action in any court of competent jurisdiction; and the punishment provided in this section is in addition to and not in lieu of the punishment provided by the statutes for such offenses.

#### TEACHERS' INSTITUTES.

SEC. 56. That whenever a Teachers' Institute shall be held in any county, the Circuit Superintendent shall file with the Clerk of said county his official statement of the expenses of such Institute, exclusive of board, whereupon said Clerk shall draw his warrant on the County Treasurer for the amount necessary to defray the said expenses; *provided*, that such warrant shall not be drawn for an amount greater than fifty (50) dollars.

#### CIRCUIT SUPERINTENDENTS OF PUBLIC INSTRUCTION.

SEC. 57. That the Governor of this State shall quadrennially on the first day of February, by and with the advise and consent of the Senate, appoint as superintendent of schools for each judicial district a suitable person of high moral character and scientific attainments, to be styled Circuit Superintendent of Public Instruction, who shall hold his office for the term of four years, commencing on the fourth day of March succeeding his appointment, and until his successor shall have been duly commissioned and have qualified: *Provided*, That the Governor shall as early as practicable, after the passage of this Act appoint for each Judicial District a Circuit Superintendent who shall enter upon his duties immediately after having received his commission from the Governor, and shall hold his office until the fourth day

of March, A. D. 1873, and until his successor shall have been appointed and have qualified.

#### OATH OF OFFICE.

SEC. 58. That before entering upon the duties of his office, each circuit superintendent shall take and subscribe the oath prescribed for officers, by the Constitution of this State, and file such oath in the office of the Secretary of State.

#### TEACHERS.

SEC. 59. That he shall license teachers, and on proper cause shown, may annul certificates. He shall hold, semi-annually, at the county seat of each county, in a suitable room to be provided by the County Court, a public examination for the purpose of ascertaining the professional qualifications of teachers, and of granting licenses to teachers; shall previous to holding such examinations, give at least twenty days notice thereof to the trustees of each school district within the county in which the examination is to be held; and shall instruct the said trustee, whose duty it shall be, to file the original notice in his office, and post, without delay, copies of the said notice in three or more of the most conspicuous places within his district. He shall conduct all examinations by written and oral questions and answers, and with as much uniformity as practicable for all the counties in his district; but he shall grant no certificates of qualification except in accordance with the provisions of law respecting teacher's certificates.

SEC. 60. That he shall at the times and places appointed for holding public examinations, examine in orthography, reading in English, penmanship, mental and written arithmetic, English grammar, modern Geography, history of the United States, the Constitution of the United States, the Constitution and laws of the State of Arkansas, all persons present and applying for an examination, with the intention of teaching; and if convinced that such persons are of good moral charac-

ter and are competent to teach successfully the foregoing branches, he shall give such persons certificates ranking in grade to correspond with the relative qualifications of the applicants according to the standard adopted ; but he shall not license any person to teach who is given to profanity, drunkenness, gambling, licentiousness or other demoralizing vices or who does not believe in the existence of the Supreme Being ; nor shall he be required, except at his own discretion to grant private examinations. He may cite to re-examination, any person holding a license, and under contract to teach any free school within his district, and on being satisfied, by a re-examination or by other means, that such person does not sustain a good moral character, or that he has not sufficient learning and ability to render him a competent teacher, he may for these and other adequate causes revoke the license of such person ; and in case of such revocation, he shall immediately give notice thereof to both teacher and trustee, and thereby terminate the contract between the said parties ; but the wages of the said teacher shall be paid for the time he shall have actually taught prior to the day on which he receives notice of the revocation of his license.

SEC. 61. That he shall require every applicant for a certificate of qualification and license to teach in the common schools of this State, before he shall grant said applicant such license, to take and subscribe the following oath, and shall file such oath with the records of his office :

#### TEACHER'S OATH.

I do solemnly swear (or affirm) that I will honestly and faithfully support the Constitution and laws of the United States, and the Constitution and laws of the State of Arkansas, and that I will encourage all other persons so to do. That I will never countenance or aid in the secession of this State from the United States ; that I will endeavor to inculcate in the minds of youth sentiments of patriotism and loyalty, and will



fully, faithfully and impartially perform the duties of the office of teacher according to the best of my ability, so help me God.

#### GRADES OF CERTIFICATES.

SEC. 62. That he shall issue three grades of certificates, to be styled respectively: certificates of the first, of the second, and of the third grades; certificates of the first grade shall be valid in the Judicial District for two years. Those of the second grade shall be valid in the county for which they are issued one year. Those of the third grade shall be valid in the county six months. But he shall not renew any certificate or grant a license without an examination of the applicant with reference thereto.

#### RECORD OF TEACHER.

SEC. 63. That he shall keep a record of the name, age, sex, Post Office address, and nativity of each person licensed by him to teach, and of the date and grade of his certificate, and shall include such record in his report to the State Superintendent.

SEC. 64. That he shall annually as soon as practicable, and whenever he can assemble ten teachers for that purpose, hold a Teacher's Institute in the different counties of his district, for the purpose of reviewing with said teachers, the branches taught in the common schools, and of instructing them in the art of teaching; and he shall as his imperative duty aid teachers in all proper and commendable efforts to improve in their professions; and he shall employ all reasonable means in his power to make them more efficient, and to make their calling more professional; and he may revoke the license of any teacher, who without good and sufficient reasons, shall be absent either from the public examination or from the Teacher's Institute.

#### VISIT SCHOOLS.

SEC. 65. That he shall visit the schools of his Judicial Dis-

trict, at least, once each regular term thereof; take note of the mode of conducting exercises; of the course of instruction pursued; the branches taught, the text books used, shall amend so far as possible any failure in discipline, order, or government; shall remedy any defects in the classification of pupils, shall correct what may be erroneous in the method of teaching, or irregular in administration, and shall make such suggestions and give such directions to teachers as in his opinion will best promote the interest and conduce to the success of the schools. He shall instruct and stimulate pupils; take cognizance of the condition and commodiousness of the school houses; the supply and adaptation of the furniture, apparatus, fixtures and text books; shall confer with Trustees and prompt them in the performance of their official duties; shall ascertain what measures have been taken by each district to provide for schooling the children and youths residing therein; what the capability and efficiency of the teachers employed; shall see that orthography, reading in English, penmanship, arithmetic, English grammar, modern geography and history of the United States are taught in every common school, by a teacher competent and licensed to instruct in the same; shall see that the school laws are properly enforced in all other respects within his judicial district; shall exercise a supervising control over the schools under his superintendence, and shall take all proper means to prevent and correct any mismanagement of the said schools. He shall labor to promote the general usefulness of the schools of his district, and to elevate their character, and raise the standard of public instruction; shall see that the organization and management of the same shall be as nearly uniform as practicable, and in strict conformity with law, and the regulations of the State Board of Education.

SEC. 66. That he shall encourage the inhabitants to form and organize school districts, to establish public schools therein, under qualified teachers, to furnish suitable text books for their children and to send them to school; shall direct the



attention of teachers and school patrons to those methods of instructions that will best promote mental and moral culture; the most feasible and approved plan for building and ventilating school houses. He shall labor to create among the people an interest in the public schools, and shall take advantage of public occasions, such as the dedications of schools houses, public examinations and institutes to impress the people with the importance of educating every child, and consequently of the duty of maintaining a system of free common schools established by law. He shall receive the reports of trustees, transmit an abstract of the same to the State Superintendent, and transmit therewith a report of the condition and prospects of the schools under his superintendence, together with such other information and suggestions as he may deem proper to communicate.

#### APPORTIONMENT.

SEC. 67. That he shall immediately on receiving notice of the distributive share of school revenue, apportioned by the State Superintendent to each county, proceed to apportion to the several school districts of each county in his judicial district, in proportion to the number of persons between the ages of five and twenty-one years residing within the school district respectively, on the first Monday of October previous, the said school revenues apportioned to the county, and shall forward to the County Treasurer [and to each Trustee of the county] a statement of such apportionment, carefully distinguishing the sources from which the school revenues so apportioned are derived] and the amount due each school district in the county from each separate source, and shall see that the revenues from the public school fund are invariably paid to the several counties of his judicial district, and to the school districts of each county, strictly in accordance with the apportionment made to them by the same; *Provided*, He shall make no apportionment of the school revenues to any district in which common school was not taught three months by a qualified teacher during the previous school year.

SEC. 68. That whenever a new district shall have been formed and organized, he shall at the next apportionment made thereafter, apportion to the new district school revenues in proportion to the number of persons between the ages of five and twenty-one years, reported by the Trustee of the said new district; *And provided always*, That the number of persons between the ages of five and twenty-one years, reported in any year by the district Trustees of each county, shall be taken as the quota of that county, and the number reported from each school district shall be taken as the quota of that district, and that the only basis on which an apportionment of the school revenue shall be made, is to be the number of persons so reported each year by the district Trustees.

#### REPORT OF CIRCUIT SUPERINTENDENTS.

SEC. 69. That he shall annually on or before the twentieth of November, prepare in tabular form an abstract of the reports made to him by the Trustees of the school districts of the several counties embraced within his judicial district, showing the number of organized districts in each county at the commencement of the year, on the first day of October preceding, the districts that have made their annual reports, the number of persons in each district between the ages of five and twenty-one years, distinguishing the sex and also the color of said persons, the number of said persons that attended school during the year, the average number of males and of females of each color in daily attendance, and the number that pursued each of the studies designated to be taught in the common schools, the number of teachers of each sex employed in each county, the average wages paid per month to teachers of each sex according to the grade of their certificate, the whole amount paid as teacher's wages in each county, the number of pupils that studied in each county, and the several branches taught, the number of school-houses erected during the year in each county, material and cost of the same, the

number before erected, the material used in their construction, their condition and value, the grounds of how many are enclosed, the counties in which Teachers' Institute have been organized and conducted by him since his last report, the number of teachers that attended each of the said Institutes, the success or general results of the same, the number of persons in each county of his district subject to *per capita* tax for the support of schools, the amount of money raised by tax in each district, for what purpose raised, the amounts that have been expended and for what purposes, the amount of revenue received by each county from the common school fund, and received for the support of schools from each of all other sources for what purposes and in what sums, the said revenues were expended, and what amounts unexpended were at the close of the school year in the County Treasuries of the several counties.

#### NUMBERING OF SCHOOL DISTRICTS.

SEC. 70. That he shall number the several school districts in each county, in regular order from number "one" upward, and shall keep in his office a record and description of each district, with the boundaries clearly defined, and also a record of such changes or alterations in the boundaries of each as shall from time to time be made.

SEC. 71. That he shall as soon as possible ascertain the number of acres of Congressional school land unsold in each county of his district; also, the number of acres and descriptions of such Congressional school lands as have been sold on credit, and on which any portion of the purchase money or the interest thereon remains due, the length of time since any payment of principal or interest has been made, the names of the persons that permanently occupy or have possession of the same, the number of acres each possesses or occupies, the condition of said land, the number of acres under cultivation, the kind and value of the improve-



ments on each parcel of said lands, and shall report the same to the State Superintendent of Public Instruction and to the Commissioner of State Lands.

#### REMOVAL OF CIRCUIT SUPERINTENDENTS.

SEC. 72. That the Circuit Superintendent may be removed from office by the Governor, upon satisfactory proof of incompetency or neglect of duty. But no such removal shall be valid unless the person so removed has had at least thirty (30) days' notice of charges brought against him and an opportunity to be heard in his own defense.

#### SALARY.

SEC. 73. That he shall be entitled to receive annually, for his services properly rendered, the sum of three thousand (\$3000) dollars, together with the necessary expenses of stationery and postage for his office, to be paid quarterly out of the common school fund in the State Treasury on the warrant of the Auditor.

#### SUPERINTENDENT OF PUBLIC INSTRUCTION.

SEC. 74. That there shall be elected quadriennially, by the qualified electors of this State, at the general election, a State Superintendent of Public Instruction, who shall hold his office for the term of four years. *Provided*, That the State Superintendent of Public Instruction elected under the provisions of section three, article fifteen, of the Constitution of the State of Arkansas, shall hold and continue in his office until the first day of January, A. D. 1873.

#### OATH.

SEC. 75. That, before entering upon the duties of his office, he shall take and subscribe the oath prescribed for officers by the Constitution of this State, and shall file such oath with the Secretary of State.

#### OFFICE.

SEC. 76. That the Superintendent of Public Instruction

shall be charged with the general superintendence of the business relating to the free common schools of this State; that he shall open at the seat of State Government (at the expense of the State) a suitable office, in which he shall keep all books, reports, public documents, and other papers pertaining to his department, and where he shall be in attendance when not necessarily absent on business, and have personal supervision of the business affairs of his office, and keep a clear and correct record thereof.

#### BLANKS.

SEC. 77. That he shall furnish and transmit to the Circuit Superintendents, school registers, blank certificates, reports, and other printed blanks, from the forms prepared by the Board of Education, together with such other suitable blanks, forms, and printed instructions, to be forwarded to Trustees and other school officers, as may be necessary to aid such officers in making their reports and carrying into full effect the various provisions of the school laws of this State; that he shall exercise such supervision over the school funds as to ascertain the amount and disposal made of the same; their protection and safety whenever invested or deposited, and recommend measures for their security and preservation and for rendering them most productive of revenues; shall enforce the strict application of the school revenues to the legitimate purposes for which they were intended, and shall, when directed by the Commissioners of the School Fund, cause to be instituted, in the name of the State of Arkansas, suits or actions for the recovery of any portion of the said funds or said revenues that may be squandered, illegally applied, or unsafely deposited.

#### REPORTS.

SEC. 78. That he shall, on or before the twentieth day of December, prepare and submit to the Governor of this State



an annual report, in writing, showing the number of persons between the ages of five and twenty-one years residing in the State on the first day of the preceding October, the number of such persons in each county, the number of each sex, the number of white, the number of colored, the whole number of such persons that attended the free common schools of the State during the year ending the thirtieth day of the last preceding September, and the number in each county that attended during the same period, the number of whites of each sex that attended, and the number of colored of each sex that attended the said schools, the number of common schools in the State, the number of pupils that studied each of the branches taught, the average wages paid to teachers of each sex, the relative average wages paid to male and female teachers respectively—according to the different grades of their certificates, the number of school-houses erected during the year, the material and cost thereof, the number previously erected, the material of which they were constructed, their condition and value, the number with their grounds inclosed, the counties in which Teachers' Institutes were held, and the number that attended the Institutes in each county.

SEC. 79. That he shall likewise report the number of male inhabitants in the State, and in each county subject to per capita tax of one dollar for the support of schools; the amount of permanent school fund belonging to the State at the close of the fiscal school year, and the amount of other property appropriated to school purposes; the nature, kind, and amount of such investment made of the same; the safety and permanency of such investments; the amount of revenue accruing from the school funds; the income derived from the per capita assessments in each county, and the amount derived from such assessment in all the counties of the State; the income derived from all other sources, together with the amount derived from each; likewise, in what sums, for what purposes, and in what manner the said school revenues shall have been

expended, and what amount of school moneys of various kinds are in the various county treasuries unexpended.

#### RECOMMENDATIONS.

SEC. 80. That he shall include in his report such plans as he may have matured for the improvement of the common school system of this State; for the accumulation, the investment, and the more judicious management of the common school fund; and when he may deem it advisable shall [recommend] measures for a more economical and advantageous collection and expenditure of the revenues accruing from the said fund, and whenever it comes to his knowledge that any of the investments of the school fund are not safe, or that any portion of the said fund is liable to be lost, that it is unproductive of revenue, or that any of the school revenues have been diverted from their proper channel, or from the appropriate objects contemplated, he shall report the facts to the Governor, and to the General Assembly, if in session.

SEC. 81. That he shall append to his report a statistical table compiled from the materials transmitted to his office by school officers, with proper summaries, averages and totals given.

SEC. 82. That he shall present such a comparison of results and such an exhibit of his administration, and of the operation of the Free Common School system, together with such statements of the true condition of the schools of the State, as shall distinctly show the improvements and progress made from year to year in the department of public instruction.

SEC. 83. That the annual reports of the State Superintendent with the Governor, shall be transmitted by the Governor to the General Assembly at the opening of the session.

SEC. 84. That the State Superintendent of public Instruction, shall, on the second Monday in January, submit to the General Assembly at its regular session, a biennial report, complete and in all respects similar to his annual report made to the Governor, as required by this Act.

## REPORTS TO BE PUBLISHED.

SEC. 85. That he shall have his reports to the Governor, and to the General Assembly, published as soon as practicable after they shall have been made, and shall cause them to be distributed among the various school officers of the State, to be kept on file in their respective offices.

## APPORTIONMENT.

SEC. 86. That he shall, on the third Monday of December and the third Monday in June, in each year, after deducting a sufficient amount to pay the salaries of the Circuit Superintendents, make a pro rata apportionment to the several counties of the State of the remaining revenues in the State Treasury available for distributions for school purposes, on the basis of the number of persons between the ages of five and twenty-one years residing in the said counties respectively, on the first Monday of October previous; and he shall publish a statement of the same, and as early as practicable shall transmit a copy thereof to each Circuit Superintendent, and to each of the several County Treasurers in the State; and he shall thereupon draw his requisition on the State Auditor in favor of the Treasurers of the several counties for such amounts as the said counties may be entitled to receive, for the support of Free Common Schools.

## AUDITOR'S REPORTS.

SEC. 87. That he shall furnish each Circuit Superintendent the reports of the Auditor, Treasurer and other State officers.

## SCHOOL LAWS TO BE PUBLISHED.

SEC. 88. That he shall from time to time publish in convenient pamphlet form, and furnish each school officer, the Acts of the General Assembly relating to common schools, and the decisions of the Board of Education and of courts



having competent jurisdiction in relation to the school laws; and he shall likewise at the request of any school officer, render in writing an opinion relative to the intent, construction or administration of any portion of the school laws, on which decisions shall not have been published: And he may when he shall deem it advisable to have the opinion of the Attorney General, require that said opinion be given in writing.

#### ACCESS TO THE AUDITOR'S BOOKS.

SEC. 89. That he shall, for the purpose of ascertaining the amount, safety and preservation of the School Fund, have access to the Auditor's books and papers with full power to use and inspect the same.

#### TEACHER'S CERTIFICATES.

SEC. 90. That he may examine teachers and determine their grade of qualifications as such; but in issuing certificates, he shall be subject to the same regulations as govern subordinate school officers empowered by law to grant certificates.

#### SHALL DELIVER RECORDS TO HIS SUCCESSOR.

SEC. 91. That at the expiration of his term of office he shall deliver to his successor possession of his office, together with all books, records, documents, papers and other articles belonging or pertaining to his office.

#### SEAL.

SEC. 92. That he shall affix the seal of the department to all official communications from his office.

#### VACANCY.

SEC. 93. That whenever a vacancy in the office of Superintendent of Public Instruction shall occur from death, resignation or other cause, the Governor shall by and with the advice and consent of the Senate, appoint a person of suitable



attainments to serve the remainder of the unexpired term.

SEC. 94. That neither the State nor Circuit Superintendents shall act as agent for any author, publisher, or bookseller; nor directly or indirectly receive any gift, emolument, reward or promise of reward for his influence in recommending or procuring the use of any book, school apparatus or furniture, or any kind whatever, in any public school. And any Superintendent who shall violate this provision shall be deemed guilty of a misdemeanor, and subject to removal from office.

#### STATE AUDITOR.

SEC. 95. That the State Auditor shall, on requisition of the State Superintendent of Public Instruction, draw warrants on the State Treasurer for payment to the several County Treasurers of the school revenues apportioned to their respective counties.

#### PER CAPITA TAX.

SEC. 96. That a per capita tax of one dollar shall be assessed on every male inhabitant over the age of twenty-one years, in each county, by the County Assessor, and shall be collected at the same time and place that State taxes are collected, and by the same persons, and be paid into the State Treasury on or before the first day of July of each year, as a revenue for the support of common schools.

#### STATE BOARD OF EDUCATION.

SEC. 97. That the State Superintendent and the several Circuit Superintendents shall constitute a Board of Education and as such shall meet annually on the second Monday of January, at the Capitol of the State.

SEC. 98. That the State Superintendent shall be President of the Board of Education; shall keep subject to inspection in his office, a journal of their proceedings signed by himself, and cause the acts of the said Board to be published and distributed in the same manner as the acts of the General Assembly are distributed.

SEC. 99. That the said Board shall not pass any act, or transact any business, unless a quorum consisting of a majority of all the members of the Board, be present; but may adjourn from time to time, without a quorum.

SEC. 100. That the said Board shall style every enactment as follows: "Be it enacted, or be it resolved by the Board of Education of the State of Arkansas," and shall express the final passage of every enactment by "yeas and nays."

SEC. 101. That the said Board shall have power and authority to legislate and to make all needful rules and regulations respecting common schools, and the general educational interests of the State, and such regulations as are necessary to carry into effect the provisions of this Act, and such other acts as may be hereafter approved by the General Assembly: *Provided*, That the said Board shall not legislate or make any such rules or regulations respecting the common schools of the State, without the concurrence of a majority of all the members of the Board: *Provided further*, That all acts, rules and regulations by the said Board, may be altered, amended or repealed by the General Assembly, and while such acts, rules or regulations stand thus repealed, they shall not be re-enacted by the said Board. *And provided further*, That the said Board shall have no power to levy taxes or to make appropriations.

SEC. 102. That the said Board shall prepare for the benefit of the common schools of this State, a list of such text books on orthography, reading in English, mental and written arithmetic, penmanship, English grammar, modern geography, and history of the United States, as are best adapted to the wants of the learner, and as have been prepared with reference to the most philosophical methods of teaching those branches, and shall recommend the said text books to teachers, and to trustees throughout the State.

SEC. 103. That the said Board shall prepare and adopt for the office of the State Superintendent, a seal presenting suita-

ble devices and emblems, surrounded by the words "Department of Public Instruction."

SEC. 104. That the said Board shall record a description and impression of the said seal on journal of their proceedings, and shall furnish an impression and like description thereof, to the Secretary of State, to be preserved in his office.

SEC. 105. That a copy of any paper or document deposited or filed in the office of Superintendent of Public Instruction, shall when authenticated by the said seal, be evidence equal to all intents and purposes, with the original.

SEC. 106. That the said Board shall, at each annual and at each special meeting, duly consider all mooted questions relating to the intent and application of the common school laws of the State, and also questions relating to the acts, duties and jurisdiction of school officers; and their decisions shall be final, unless reversed by "Acts" of the General Assembly, or by court, having competent jurisdiction.

SEC. 107. That the said Board [shall] make the necessary provisions for establishing separate schools for white and colored children and youths, ☐ and shall adopt such other measures as they judge expedient for carrying the Free Common School system into effectual and uniform operation throughout the State, and providing as nearly as possible for the education of every youth. They shall, at each annual meeting, confer with reference to the school affairs of each judicial district separately, and thereby endeavor to meet the educational wants of each particular section; shall aim at the perfection of the "system of Free Common Schools" for this State; shall endeavor to render available to the people, all improvements made by any revision or modification of the said system; shall seek to give them the practical benefit of the ablest experience in the interest of schools, and shall devise means for introducing into the schools under their superintendence, such methods for instructing learners, as are adopted by the most skillful educators of the times.

SEC. 108. That the said Board shall prepare appropriate forms for the three several grades of certificates to be issued to teachers by the State and the Circuit Superintendent; they shall prepare suitable school registers in which teachers at the close of the school term are to make their reports to the Trustees, of the name and age of each pupil; the date of each pupil's entrance, the separate days on which each attended school; the studies each pursued; the total attendance; and shall likewise prepare suitable forms for the reports of Trustees and Circuit Superintendents.

SEC. 109. That all Acts and parts of acts, inconsistent with this act are hereby repealed.

SEC. 110. That this Act shall be in force and effect from and after its passage.

APPROVED, July 23rd, 1868.









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